

AB:APW

20-624 M

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FILED UNDER SEAL

UNITED STATES OF AMERICA

- against -

ELIJAH SONG,

Defendant.

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AFFIDAVIT AND
COMPLAINT IN SUPPORT
OF AN APPLICATION FOR
AN ARREST WARRANT

Case No.

(18 U.S.C. § 844(f)(1))

EASTERN DISTRICT OF NEW YORK, SS:

MICHAEL PRITCHETT, being duly sworn, deposes and states that he is a Task Force Officer with the Bureau of Alcohol, Tobacco and Firearms, duly appointed according to law and acting as such.

On or about July 18, 2020, within the Eastern District of New York, the defendant ELIJAH SONG, did knowingly, intentionally and maliciously damage and destroy, and attempt to damage and destroy, by means of fire, any building, vehicle, or other real and personal property in whole or in part owned or possessed by or leased to, the United States, or any department or agency thereof, or any institution or organization receiving Federal financial assistance, to wit: a New York City Department of Transportation ("DOT") traffic enforcement camera.

(Title 18, United States Code, Section 844(f)(1))

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I have been a fire marshal with the FDNY for four years, and for the past year have been a task force officer for the ATF/fire marshal joint task force. I have been involved in the investigation of numerous cases involving arson and the use of fire and explosives. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, and from reports of other law enforcement officers involved in the investigation. Where I describe the statements of others, I am doing so only in substance and in part.

2. I have been involved in an investigation regarding the burning of seventeen DOT traffic enforcement cameras in Northeast Queens County.

3. I have reviewed surveillance video from the vicinity of Utopia Parkway and 56th Avenue, taken in the late evening of July 17, 2020. On that video, an individual is seen exiting a silver sedan, lighting a traffic camera on fire, and then fleeing in the same vehicle. The individual was wearing blue jeans, white sneakers, a dark sweatshirt, and a dark baseball cap.

4. I have reviewed surveillance video from the vicinity of 144-60 Sanford Avenue, also taken in the late evening of July 17, 2020. On that video an individual wearing blue jeans, white sneakers, a dark sweatshirt, and a dark baseball cap can be seen lighting a traffic camera on fire.

¹ Because this affidavit is being submitted for the limited purpose of establishing probable cause to arrest, I have not set forth every fact learned during the course of this investigation.

5. I have reviewed reports that numerous other traffic cameras in Northeast Queens were set on fire on the night of July 17, 2020, into the early morning of July 18, 2020.

6. On July 18, 2020, at approximately 12:30am, a New York City Police Department (“NYPD”) officer, identified as Officer-1, was seated in his radio motor patrol vehicle when he observed a male light a DOT traffic enforcement camera on fire at the intersection of Northern Boulevard and Douglaston Parkway. The individual was wearing a sweatshirt, black baseball cap with a dark backpack on his back. Officer-1 chased the male through a cemetery and lost him in the cemetery.

7. As Officer-1 and other officers were chasing the male, members of the New York City Fire Department (“FDNY”) were at Engine 313, located at 44-01 244 Street, Queens, which is about a block away from the traffic enforcement camera and half a block away from the cemetery. The FDNY members saw an individual park a Silver Toyota Camry behind their firehouse on a dead-end street where non-FDNY vehicles are not authorized to park. The FDNY members quickly directed the police to the car. By the time Officer-1 and other officers got to the car, the individual had fled on foot so the members of the NYPD set up surveillance of the car.

8. Officer-1 looked through the window of the Toyota Camry and saw a black Yankees cap and a grey and black backpack in the vehicle.

9. I have reviewed surveillance video from 44-01 244th Street, which depicts the silver Toyota Camry drive into the FDNY parking lot at 12:35am.² I have also

² The camera time shows 12:37am, but the camera is two minutes fast.

seen the Toyota Camry and compared it to the surveillance video from the Utopia Parkway and 56th Avenue incident earlier in the evening. I have concluded that the vehicles are the same.

10. Officers-1 checked the license plate of the vehicle and learned that the vehicle was registered to Jung Hyang Song, DOB 12/15/67, residing at 147-36 Cherry Avenue, Flushing, NY 11355. Jung Hyang Song is a female relative of the defendant, Elijah Song.

11. Members of the NYPD watched the Toyota Camry and waited for an NYPD tow truck to arrive. Officer 2, who was an officer that was waiting for the NYPD tow truck, recognized the vehicle as being that of his neighbor, Elijah Song. Officer 2 had seen Elijah Song driving the Toyota Camry on multiple occasions and had never seen any other person drive the vehicle. Officer-2 also knew Elijah Song to have a motorcycle and had seen him working on his motorcycle previous occasions. Additionally, Officer-2 had seen Elijah Song wearing a dark motorcycle helmet with a green neon design on the helmet on prior occasions.

12. Approximately two hours after the male attempted to light the traffic camera ablaze, while Officer-2 was observing the Camry, he saw an individual on a motorcycle pull up to the dead-end alley where the Camry had been abandoned. Officer-2 saw that the person on the motorcycle was wearing a dark helmet with green on the helmet. Officer-2 attempted to pursue the individual on the motorcycle, but lost sight of the person.

13. Minutes later, Officer-2 saw the same individual on the motorcycle wearing a dark helmet with green neon designs at a gas station. The individual had his visor

up, allowing Officer 2 to see part of the person's face. Based on all of these facts, Officer-2 knew the person to be Elijah Song, his neighbor.

14. A few days later, while Officer 2 was at his house, he saw Elijah Song pull into his own home on a motorcycle. Song was wearing a dark helmet with neon green designs. Officer-2 recognized the motorcycle and helmet to be the same one he had seen Song wearing on the early morning of July 18.

15. After obtaining a search warrant, Fire Marshals searched the Camry that had been left at the firehouse and recovered the following items: A grey and black Nike backpack containing two bottles of ignitable liquid, consistent with gasoline; a dark Yankee baseball hat; four gas cans containing approximately 8 gallons of gasoline; aerosol cans matching the make and model of cans found at the camera at Northern Boulevard and Douglaston Parkway; numerous hand tools including bolt cutters, a sledge hammer and an 8" hunting knife. Also recovered in the car was a metal plate which DOT confirmed is used specifically for traffic enforcement cameras. Specifically, these metal plates protect the main electrical service to the traffic cameras.

16. Additionally, recovered inside the car were numerous receipts, mail, and packages bearing the name Elijah Song. Some of these receipts were for car repairs for the Toyota.

17. Furthermore, Fire Marshals also recovered a spiral notebook with hand written notes, which included statements that supported the manifesto of Brenton Tarrant, the perpetrator of a recent mass shooting in New Zealand that killed 51 people. This writer of the note states, "I would love to kill me a whole bunch of those fuckers, just like the New Zealand shooter who killed 50 of them."

18. Also, in this notebook were written notes about repairs that the author wanted to make to his motorcycle, to pay student loans, and his desire to give all of his savings to his mom. The name Elijah Song can be seen in the notebook.

19. A check of NYPD records shows that ELIJAH SONG has two violations from speed cameras.

20. A Fire Marshal within the Bureau of Fire Investigation responded to the scene on July 18, 2020, and conducted a physical examination of the Northern Boulevard and Douglaston Parkway camera. The Fire Marshal determined the cause of the fire to be incendiary.

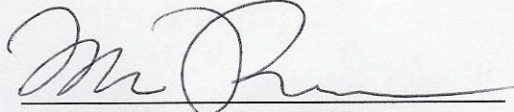
21. The Deputy Commissioner of the NYC DOT confirms that her agency does receive federal grants and other funding.

22. Based on the foregoing, there is probable cause to believe that ELIJAH SONG, knowingly, intentionally and maliciously damaged and destroyed, and attempted to damage and destroy, by means of fire, a vehicle or other real or personal property in whole or in part owned or possessed by or leased to, the United States, or any department or agency thereof, or any institution or organization receiving Federal financial assistance, in violation of 18 U.S.C. § 844(f)(1).

23. It is respectfully requested that this Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the application and arrest warrant, as disclosure would give the target of the investigation an opportunity to destroy evidence, harm or threaten witnesses, change patterns of behavior, notify confederates and flee from or evade prosecution and therefore have a significant and

negative impact on the continuing investigation and may severely jeopardize its effectiveness.

WHEREFORE, your deponent respectfully requests an arrest warrant for the defendant ELIJAH SONG so that he be dealt with according to law.



MICHAEL PRITCHETT

Task Force Officer

Bureau of Alcohol, Tobacco and Firearms

Sworn to before me by telephone this
1st day of August, 2020

Steven M. Gold

THE HONORABLE STEVEN M. GOLD
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK